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EXTRAORDINARY

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HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 8th May, 1954:—

BILL No. 22 OF 1954

A Bill to provide for the salaries and allowances of Members of Parliament.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Salaries and Allowances of Members of Parliament Act, 1954.

(2) It shall come into force on the first day of June, 1954.

2. Definitions.—In this Act,—

(a) 'committee' means a Committee of either House of Parliament, and includes a Joint Committee of both Houses;

(b) 'member' means a member of either House of Parliament, but does not include—

(i) a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (LVIII of 1952); and

(ii) an officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953);

(c) 'new member' means a member who takes his seat in either House of Parliament after the commencement of this Act and includes a member who is re-elected or re-nominated;

(d) 'period of residence on duty' means the period during which a member resides at a place where a session of a House of Parliament or a sitting of a committee is held or where any other business connected with his duties as such member, is transacted, for the purpose of attending such session or sitting

or for the purpose of attending to such other business, and includes—

(i) in the case of a session of a House of Parliament, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the end of the session, and

(ii) in the case of a sitting of a committee or any other business, a period of such residence, not exceeding two days, immediately preceding the commencement of the business of the committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the committee or other business;

Explanation.—A member who ordinarily resides at a place where a session of a House of Parliament or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted shall, for the duration of the session or sitting or the time occupied for the transaction of other business (including the three or two days immediately preceding or succeeding), be deemed to reside at such place for the purpose of attending such session or sitting or, as the case may be, for the purpose of attending to such other business;

(e) 'term of office' means,—

(a) in relation to a person who is a member at the commencement of this Act, the period beginning with such commencement and ending with the date on which his seat becomes vacant;

(b) in relation to a new member, the period beginning with the date when such member takes his seat in the House of the People or the Council of States, as the case may be, and ending with the date on which his seat becomes vacant.

3. Salaries and daily allowances.—(1) A member shall be entitled to receive at his option, either—

(a) a salary at the rate of three hundred rupees per mensem during the whole of his term of office plus an allowance at the rate of twenty rupees for each day during any period of residence on duty, or

(b) an allowance at the rate of forty rupees for each day during any period of residence on duty.

(2) The option given by sub-section (1) shall be exercised provisionally in the first instance for a period of one year, and finally on the expiry of that period.

(3) A member shall, by letter addressed to the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People,—

(i) exercise his provisional option not later than the 30th day of June, 1954, or if he is a new member, within one month of taking his seat in the House of the People or the Council of States, as the case may be; and

(ii) exercise his final option, during the month of June, 1955, or, if he is a new member, during the month immediately following the date on which he completes the first year of his term of office.

(4) If a member does not exercise an option in accordance with the provisions of sub-section (3) and within the period specified therein, he shall—

(a) in the case of a provisional option, be deemed to have opted for the daily allowance specified in clause (b) of sub-section (1) of section 3;

(b) in the case of the final option, be deemed to have exercised such option in terms of the provisional option exercised or deemed to have been exercised by him.

4. Travelling allowances.—(1) There shall be paid to each member in respect of every journey performed by him for the purpose of attending a session of a House of Parliament or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session or the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence—

(a) if the journey is performed by rail, an amount equal to two second class fares *plus* one third class fare for each such journey, irrespective of the class in which the member actually travels;

(b) if the journey is performed by air, an amount equal to one and one-fourth of the air fare for each such journey;

(c) if the journey or any part thereof cannot be performed by rail or air—

(i) where the journey or any part thereof is performed by steamer, an amount equal to one and three-fifths of the fare (without diet) for the highest class in the steamer for each such journey or part thereof;

(ii) where the journey or any part thereof is performed by road, a road mileage at the rate of eight annas per mile for each such journey or part thereof.

Explanation.—For the purposes of sub-clause (ii) of clause (c) of this sub-section, the expression 'journey' shall include the journey from and to the railway station, port or aerodrome to and from the usual place of residence of the member or, as the case may be, the residence of the member at the place where the session of the House of Parliament or a meeting of the Committee is to be held or where any other business is to be transacted.

(2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between places connected by rail or steamer, either wholly or in part, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him if he had travelled by rail or steamer, as the case may be:

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him had he performed such journey by rail or by steamer, as the case may be.

5. Travelling or daily allowances for intermediate journeys.—Where a member absents himself for less than fifteen days during a session of a House of Parliament or a sitting of a committee for visiting any place in India, he shall be entitled to receive travelling allowances in respect of such journey to such place and for the return journey—

(a) if the journey is performed by rail, equal to two second class fares for each such journey irrespective of the class in which the member actually travels;

(b) if the journey is performed by air, equal to one fare by air for each such journey:

Provided that such travelling allowances shall not exceed the total amount of daily allowances which would have been admissible to such member under section 3 for the days of absence if he had not so remained absent.

Explanation.—The provisions of clause (c) of sub-section (1) and of sub-section (2) of section 4 shall, so far as may be, apply to travelling allowances payable under this section as they apply to travelling allowances payable under that section.

6. Allowances during short intervals between the termination of one session and the commencement of another session, etc.—Where the interval between the termination of one session of a House of Parliament or, as the case may be, one sitting of a Committee and the commencement of another session or sitting at the same place does not exceed seven days and the member concerned elects to remain at such place during the interval, he shall be entitled to draw for each day of residence at such place a daily allowance at the rates specified in clause (a) or clause (b) of sub-section (1) of section 3 according to the option exercised or deemed to have been exercised by him under that section:

Provided that if the member leaves such place during the interval, his absence from the place shall be treated as absence during a session of a House of Parliament or a sitting of the Committee, as the case may be, and the provisions of section 5 shall apply, accordingly.

7. Power to make rules.—(1) For the purpose of making rules under this section, there shall be constituted by the Speaker of the House of the People, in such manner as he deems fit and after consultation with the Chairman of the Council of States, a Joint Committee of both Houses of Parliament consisting of ten members from the House of the People and five members from the Council of States.

(2) The Joint Committee of both Houses of Parliament constituted under sub-section (1) may make rules to provide for all or any of the following matters, namely:—

(a) the shortest possible routes for the performance of any journey;

(b) the manner in which fractions of a day shall be dealt with for the purpose of determining the daily allowance admissible for that day;

(c) the travelling allowance admissible where a member is provided with free transit for the whole or any part of a journey;

(d) the travelling allowance admissible where the place from which a member commences his journey or to which he returns is not his usual place of residence;

(e) the form in which certificates, if any, shall be furnished by a member for the purpose of claiming any allowance under this Act; and

(f) generally for regulating the payment of daily and travelling allowances under this Act.

(3) Any rules made under sub-section (2) shall not take effect until they are approved and confirmed by the Speaker of the House of the People after consultation with the Chairman of the Council of States and are published in the Official Gazette, and such publication of the rules shall be conclusive proof that they have been duly made.

8. Validation of payment of certain travelling allowances.—Where a member is entitled to receive travelling allowance in respect of any journey performed by him by a railway before the commencement of this Act, he shall, notwithstanding the abolition of first class accommodation on such railway, be entitled and be deemed always to have been entitled to receive travelling allowance in respect of such journey at the rates admissible to him in accordance with the law then in force, as if the first class accommodation had not been abolished on such railway and as if the member had in fact travelled by first class and, accordingly, the payment of any travelling allowance to such member in respect of such journey at the aforesaid rates shall be deemed to have been validly made and shall not be called in question by any authority on the ground only that the first class accommodation had been abolished on such railway and that the member had not in fact travelled by first class.

STATEMENT OF OBJECTS AND REASONS

Under article 106 of the Constitution Members of Parliament are entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of the Constitution applicable in the case of members of the Constituent Assembly.

Parliament has not enacted any law so far with the result that Members have continued to receive allowances at rates which applied to the Members of the Constituent Assembly despite certain changes which have since occurred in the classification of accommodation on railways. This Bill seeks to establish the basis on which salary and allowances should be drawn by Members of Parliament.

S. N. SINHA.

NEW DELHI;

The 3rd May, 1954.

FINANCIAL MEMORANDUM

The Bill does not involve any new expenditure. Budgetary provision for expenditure on allowances of Members of Parliament has been made from time to time under the Budget Head relating to Parliament.

MEMORANDUM ON THE DELEGATION OF LEGISLATIVE POWERS UNDER THE BILL

Clause 7 of the Bill empowers a Joint Committee of Parliament to make rules to provide for certain matters of detail, such as the shortest routes for the performance of any journey, the manner in which fractions of a day shall be dealt with for the determination of daily allowance etc. The rule-making power is of a routine and normal character.

M. N. KAUL,
Secretary.